

RETURN DATE: : SUPERIOR COURT  
MATTHEW MCGOWAN : J.D. OF ANSONIA/MILFORD  
V. : AT MILFORD  
CITY OF ANSONIA : MAY 18, 2022

### **COMPLAINT**

#### **Count 1 Mandamus:**

1. The plaintiff is a citizen and resident of Ansonia, Connecticut.
2. The Defendant, City of Ansonia, is a municipal corporation, organized and existing under the laws of the State of Connecticut.
3. The City of Ansonia, including its various boards and departments, is governed by a Charter (the "City Charter"), which *inter alia*, sets forth certain powers, duties and responsibilities of the City's boards and departments, including the Ansonia Board of Alderman and Office of the Mayor.
4. The City of Ansonia owns the property known as "Olson Drive" in Ansonia CT with a Parcel ID of "031 05&6 0000" and recorded in book "0121/0546" within the City of Ansonia land records.
5. "Olsen Drive" on or about February 9, 2021 was appraised at a value of \$510,000.00 by Vincent J. Guardiano of Real Estate Appraiser, LLC.
6. On or about February 8<sup>th</sup> 2022 the Ansonia Board of Aldermen voted unanimously to allow the Mayor of Ansonia, David Cassetti to finalize the sale of the property known as "Olson Drive."

7. Whereas Mayor David Cassetti has begun finalizing the sale of "Olson Drive" to Primrose Companies for \$510,000.00.
8. Whereas on May 10<sup>th</sup> 2022 at the City of Ansonia Alderman Meeting, Corporate Council for the City announced the city "is currently negotiating with the winning bidder [sic]."
9. Whereas the Ansonia City Charter, Chapter 2, Article XX Sec. 2-125, #7. – Procedure To Sell City Property States "*If the appraised value of the real property is \$250,000.00 or higher, the board of aldermen must hold a public hearing before deciding to sell and advertising for bids.*"
10. Whereas the Ansonia City Charter, Chapter 2, Article XX Sec. 2-125, #8. – Procedure To Sell City Property States "*Upon receipt of the appraisal, the city would advertise that it is accepting bids no lower than the appraised price (or another price agreed to by the BOA) with a cut off date to receive sealed bids. All bids are required to be accompanied by a certified check equal to ten percent of the bid price.*"
11. Upon information and belief there is no record of as of May 11<sup>th</sup> 2022 that the Ansonia Board of Alderman have held a public hearing before deciding to sell and advertise for bids.
12. Upon information and belief there is no record of as of May 11<sup>th</sup> 2022 of the city advertising that it was accepting bids for the property known as "Olsen Drive."
13. Plaintiff has no other speedy and adequate remedy at law.
14. Plaintiff will suffer irreparable harm as a result of the sale of the property without due process afforded to them by the City of Ansonia Town Charter.
15. All persons who have an interest in the subject matter of the requested judgment in this action that is direct, immediate and adverse to the interest of

the parties in this action have been made parties to this action or are being given reasonable notice of this action.

**WHEREFORE, THE PLAINTIFF CLAIMS:**

1. A writ of mandamus, requiring the City of Ansonia to hold a public hearing regarding the sale of "Olson Drive" pursuant to the Ansonia town charter;
2. A writ of mandamus, requiring the City of Ansonia to put the property known as "Olson Drive" out for public bid and auction pursuant to the Ansonia town charter;
3. Award the plaintiffs their costs for having to bring this action;
4. Whatever orders the court finds to be fair and equitable.

Dated at Ansonia, Connecticut on May 18th 2021.

THE PLAINTIFF  
Matthew McGowan

By:



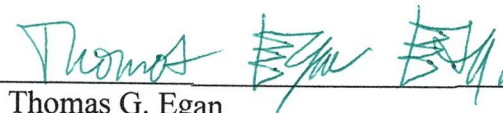
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**STATEMENT OF AMOUNT IN DEMAND**

The plaintiff hereby claims other relief in addition to or in lieu of money or damages.

THE PLAINTIFF  
MATTHEW MCGOWAN



Thomas G. Egan

Its Attorney

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